

## **REMARKS**

### **I. Introduction**

With the addition of claims 17 to 23, claims 9 to 23 are pending in the present application. Reconsideration of the present application in view of this response is respectfully requested.

### **II. Double Patenting Rejection of Claims 9-16**

Claims 9 to 16 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 10 of commonly-owned U.S. Patent No. 6,516,265. In order to overcome the double-patenting rejections, Applicants submit herewith a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(b) and (c) wherein the terminal portion of the patent to be granted on the present application which would extend beyond the term of U.S. Patent No. 6,516,265 is disclaimed. It is submitted that the Terminal Disclaimer overcomes the double-patenting rejections.

### **III. Rejection of Claims 9-16 under 35 U.S.C. § 102(b)**

Claims 9 to 16 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,775,296 ("Göras"). It is respectfully submitted that claims 9 to 16 as presented are allowable for at least the following reasons.

Claim 9 as presented relates to a device for controlling a drive unit of an internal combustion engine in a vehicle, in which the device includes at least one sensor, at least one actuator, a controller, and at least two processors that exchange information in a non-hierarchical manner, and in which identical program code is contained in at least one program memory assigned to each of the at least two processors.

In contrast to claim 9, Göras refers to a combustion engine control system that includes a distributed computer network having a main computer (the Engine Control Unit (ECU)) and a number of node computers (Cylinder Control Units (CCUs)), in which the main computer as well as the node computers are interchangeable between different engines, and the node computers of each engine are interchangeable between themselves. See Göras, Abstract, col. 3, lines 42 to 48; col 1, lines 44 to 49. To control the amount of fuel supplied and the ignition timing, the main computer sends control data to each node computer based on engine parameters received by data collection units (DCUs), and the node computers send

information to the main computer. See Göras, Abstract; col. 3, lines 42 to 48; col. 4, lines 11 to 20. Hence, Göras describes a number of interchangeable node computers that exchange information with a hierarchically arranged and non-identically programmed main computer. There does not appear to be any information exchange between, for example, the node computers. Accordingly, Göras does not identically disclose at least two processors that exchange information between each other in a non-hierarchical manner, in which identical program code is contained in at least one program memory assigned to each of the at least two processors, as recited in claim 9. It is therefore respectfully submitted that the Göras reference does not anticipate claim 9 at least because Göras does not identically disclose all the limitations of claim 9. Accordingly, it is respectfully submitted that claim 9 is allowable for at least these reasons.

Claims 10 and 11 depend from claim 9 and are therefore allowable for at least the same reasons that claim 9 is allowable.

Claims 12 and 13 recite limitations analogous to claim 9 and are therefore allowable for at least the same reasons that claim 9 is allowable.

Claims 14 to 16 ultimately depend from claim 13 and are therefore allowable for at least the same reasons that claim 13 is allowable.

Withdrawal of the rejection of claims 9 to 16 under 35 U.S.C. § 102(b) is therefore respectfully requested.

#### **IV. New Claims 17 to 23**

New claims 17 to 23 have been added herein. It is respectfully submitted that new claims 17 to 23 do not add any new matter and are fully supported by the present application, including the Specification. Claims 17 to 23 ultimately depend from claim 9 and are therefore allowable for at least the same reasons that claim 9 is allowable.

**CONCLUSION**

In light of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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